

May 22, 2006

1. Call to Order/Roll Call/Opening Ceremonies

Chairman Vispoli called the Regular Meeting of the Board of Selectmen to order on Monday, May 22, 2006 in the Selectmen's Conference Room - Town Offices at 6:00 p.m. Present at the meeting were Selectmen Lyman, Teichert and Chairman Vispoli. Selectman Hess arrived shortly thereafter. Selectman Major was absent. Also present was Assistant Town Manager Steven Bucuzzo. The Chairman called for a moment of silence followed by the Pledge of Allegiance. During the moment of silence Chairman Vispoli asked to remember all of our fellow citizens in the region who were displaced with the weather they had in the past week. Elizabeth A. Kochakian served as Recording Secretary. The meeting was duly posted and cablecast live.

Chairman Vispoli welcomed the Andover Planning Board to the meeting this evening for the discussion on the I-93 Lowell Junction Interchange and thanked them for attending.

2. Communications and Announcements/Liaison Reports

Assistant Town Manager Bucuzzo:

Mr. Bucuzzo took this opportunity to give the Board a quick update of the flood recovery efforts that have been going on in Town and in the region. He said that Andover was hit with the flood early last week, as was the entire Merrimack Valley. He informed the Selectmen of the following:

- That FEMA was here on Friday to begin their assessment process. Officials from the Fire Department escorted FEMA officials around to the various areas affected. They plan to come in again tomorrow to continue their assessment. President Bush has yet to declare the Merrimack Valley a Federal disaster area. It has been requested of him by the Governors of Massachusetts, New Hampshire and Maine and he is to expect to declare this a federal disaster area within the next day or so.
- Once President Bush does that, it triggers a lot of activities on the Federal and State level as far as assessment and paperwork that follows. FEMA and NEMA have a number of grant programs and low interest loan programs they offer individuals and small business. They will be hearing more about those in the days to come. The Town will be involved in these efforts to distribute information to affected parties. They will be providing updates on the Town's web site and cable TV bulletin board.
- At this time, Mr. Bucuzzo said that recovery efforts have gone pretty well. He said that all public servants who responded to the flood deserve a great gratitude and thanks for their quick and professional response to the flood. Police, Fire, Department of Public Works, Plant and Facilities, Officials of the Community Development and Planning Department all responded quickly and effectively to the affected areas and the citizens of Andover.
- At this time, Mr. Bucuzzo said that 87 people have been displaced from Balmoral Condos due to an unsafe electrical service. The Town will be assisting these individuals and the Property Management Association getting these condos reoccupied as soon as possible.
- People in Washington Park were displaced to a lesser extent. They are being allowed back into their units after the replacement of boilers and water heaters. On Friday, the Fire Department set up emergency lights to help people evacuate the Balmoral Condos and provided assistance.

2. Communications and Announcements/Liaison Reports (Cont.)

May 22, 2006

Assistant Town Manager Bucuzzo (Cont.):

- There were a number of roads that were closed. Only one remains closed now Gray Road at Korinthian Way, which could be closed for another week.
- The Department of Public Works has been in the process of assessing damage to the public infrastructure. They will hear more about that in the days and weeks to come.
- The recovery efforts will take quite a bit of time to assess the full extent of damages and the cost. Very early estimates, the costs are in the low millions for public and private costs to the flood.
- FEMA will be coming in and continue to assess the situation working with Town officials. They will set up a number of disaster recovery centers within the Merrimack Valley region where individuals and businesses can get information, assistance and help with filling out the paperwork, etc. They will be providing the public with more information on that as they learn about it.
- They met today with Representatives Finegold and L'Italien as well as with a number of staff people in the Town involved with the recovery efforts at the Public Safety Center. The good news is that their legislative delegations as well as representatives from the Merrimack Valley region will be seeking some emergency appropriations to help with the recovery efforts.
- They will be working with their respective branches to try to get authorization for emergency appropriations which will help reimburse cities and towns and also hopefully a program to reimburse individuals and businesses the losses their insurance or FEMA will not cover.
- Mr. Bucuzzo said this was devastating to a lot of communities and a lot of individuals but as they know from past disasters the recovery effort takes quite a bit time to access and deal with the aftermath. He asked the public to be patient and to call the Town Building Inspection Division or the Town Manager's office and they will direct the public to the correct agency for help. He said that information is also posted on the Town's web site and they will update it as new information becomes available.

Selectman Mary Lyman:

- Selectman Lyman also thanked all the different Town departments for helping and doing everything they possibly can. They were very impressive and she received many positive comments about the professionalism that people had in very emotional and difficult times. She said she was really proud over what she heard and saw.

Selectman Alex Vispoli:

- Chairman Vispoli echoed Selectman Lyman's and Steven Bucuzzo's compliments to all the Town Departments. He said he saw some of the work that was being done and also attended the Balmoral Homeowners Association meeting Sunday morning at Old Town Hall held with families that were displaced. The Town Electrical Inspector was there to talk to the process. He said the Town is certainly prepared once they are ready for inspection to pull things together to make sure the review approvals are done as quickly as possible to get these people back in.

3. Consent Agenda

May 22, 2006

B. One-Day All-Alcoholic Beverage License

It was moved by Selectman Teichert that the Board approve the request of Kathy Makiver, Merrimack College, North Andover for a one-day all-alcoholic beverage license for Saturday, June 3, 2006 from 4:00 p.m. to midnight on the road between the Sakowich Campus Center and Hamel Health Center for their 2006 Reunion. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the license. The motion was seconded by Selectman Lyman, voted and approved 3-0.

C. One-Day Beer & Wine License

It was moved by Selectman Lyman, that the Board approve the request of Barton and June Munro, 4 Hackney Circle, Andover, for a one-day beer and wine license for Sunday, June 4, 2006 from 7:00 p.m. to midnight at the Town House for a college graduation celebration. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the license. The motion was seconded by Selectman Teichert, voted and approved 3-0.

4. New Business

A. Discussion on Lowell Junction/I-93 Interchange

Chairman Vispoli opened the discussion on the Lowell Junction I-93 Interchange and to hear the report from the I-93 Task Force. He first asked Paul Salafia, Chairman of the Planning Board, to introduce the Planning Board members present this evening. They were: Linn Anderson, Secretary, Sheila Doherty, Vice Chair, Jack McDonald and Selena Goldberg.

Chairman Vispoli said the Task Force was chartered a couple of months ago to provide some clarity and some status and potentially to recommend the positions the Board of Selectman and Planning Board can take regarding a schedule of events. This evening is not a public hearing but there are some people that have submitted some documents that will go into the minutes and noted. Chairman Vispoli said their goal tonight is go through the Task Force's presentation, have some discussion between the Planning Board and Selectmen, and see if they can finish this discussion with their decision, whatever it may be based on recommendations tonight.

Chairman Vispoli said they were very fortunate in Andover to have the type of people that volunteered for this assignment and have put together a very official document in such a short time. He recognized and thanked Chris Huntress, the Chairman, who was not able to be with them this evening because he was receiving an award for his company, Terry Szold, Douglas White, and Alex Chanler. Another member Jay Corey was not present. He also recognized the Town's Director of Planning, Paul Materazzo. Chairman Vispoli said they were proud to have this committee before them tonight.

Terry Szold then came forward to make the presentation in the absence of the Chairman Chris Huntress. She thanked the Chairman and members of the Board of Selectmen and Planning Board for being here as well as members of the public.

4. New Business (Cont.)

A. Discussion on Lowell Junction/I-93 Interchange (Cont.)

May 22, 2006

Ms. Szold began her Power Point presentation highlighting on the following:

- a. Reviewed the area around the proposed Lowell Junction Interchange.
- b. Summarized the following recommendations:

Task Force feels Andover needs an interchange in Lowell Junction. Andover needs the right interchange, not an interchange at any price. The Task Force recommends advancement of Alternatives 3 and 4. Also recommended is advancement of Alternative 9; however, with critical review by the planning commission and state and federal agencies along with serious concerns. The Task force also recommends the Town of Andover initiates the process of developing a new comprehensive master plan. And, that the Town hire an independent traffic engineer/transportation planning consultant to help assist and represent the Town's interest pursuant to any design of a future new interchange process.

- c. Outstanding issues:

Ms. Szold said there are outstanding issues that needed to be scoped in relation to this overall exercise helping to advise the Town about the interchange issue. They are:

Compliance with Federal Highway review guidelines
Additional traffic data requested of Merrimack Valley Planning Commission. This includes Route 125 intersections.
A traffic study impacts and mitigation.
Further concerns about scope and the impacts to Dascomb Road associated with the interchange option.
Also further review of how the Ballardvale Traffic Study will be affected as well the impacts and mitigation.
Also there are land use and build out implications which they will review i.e., Ballardvale's Commuter Rail Station issue potential environmental impact.
Some assessment of impact to Andover's downtown commercial district.

- d. Reviewed criteria:

Ms. Szold said they tried to recommend an interchange option that would have the most immediate and direct access to I-93 without adverse impact for residential neighborhoods, that would support economic development and potential for the Lowell Junction area and also enhance neighborhood and environmental quality of life for all residents.

- e. Reviewed the following 3 alternatives out of 9:

4. **New Business (Cont.)**

- A. Discussion on Lowell Junction/I-93 Interchange (Cont.)

May 22, 2006

Alternative 3 - Trumpet Design:

This is the oldest interchange concept. It would provide both north and south bound access to I-93 in the junction area but it would not provide a western connection to roads in Tewksbury. The LJITF voted unanimously to advance this option for further consideration.

Alternative 4 - Diamond Design:

It will allow connections west to Tewksbury; east to Andover to the Industrial park area; to Burt Road Lowell Junction area; and it would involve only one bridge crossing. The LJITF voted unanimously to advance this option for further consideration.

Alternative 9 - Modified Loop Design:

Alternative 9 provides access to both sides of I-93 and opens surrounding property in the Lowell Junction area for new development and with only one bridge crossing. The Task Force had serious concerns regarding this alternative, one being that there might be as many as 6 signalized intersections so that commuters coming from the north and south to Andover will want to get off at Dascomb Road and go onto Clark Road in Ballardvale impacting traffic in local neighborhoods. Also the impact to Andover's downtown commercial district as well as potential environmental impacts. The LJITF voted unanimously to advance this option for further consideration with serious concerns.

Ms. Szold then offered the following information:

That a lot of traffic data was supplied to them but a lot of it came in very close to the deadline. They scrutinized the differences between what they thought was more realistic, Alternatives 4 and 9. They found that both these alternatives do reduce traffic volumes at the various locations. She said the Task Force believes the traffic volumes associated with Alternative 9, the reductions in volume are more advantageous. There were some preliminary costs and environmental impacts. They were relying principally on GIS and aerial photography data and not on onsite investigation. What they looked at were some of the environmental issues associated comparatively with Alternative 9 in terms of wetland, flood plain issues and cost. The cost did not include potential right of way acquisition or takings, still at the preliminary level, but they still found there were advantages associated with Alternative 4 versus 9.

A 2004 GIS map showed what property is zoned in the area. The Mills Corporation zoning was a shopping center kind of overlay district that was proposed and adopted in Tewksbury. All the land surrounding that area remains residential so the Town needs to be aware that residential land can be reclassified and have some impact.

A GIS map showed open water wetland and forest cover in the area. A lot of the land that has developable capability also had environmental constraints near by. Any interchange needs to be scrutinized not only in terms of the development capability but how it impacts these resource areas.

4. New Business (Cont.)

A. Discussion on Lowell Junction/I-93 Interchange (Cont.)

Build out potential is something they think the Board of Selectmen and

May 22, 2006

Planning Board really need to scrutinize. The study didn't assume additional reclassification of land so there is in the Task Force's judgment significant inventory of residential land that could be potentially reclassified for commercial use or another use that could have tripped generation impact associated with it with some of the interchange options.

Showed the multiple developable parcels that can happen in the area. They reviewed carefully Wilmington's Master Plan which talks about potentially significantly developable parcels.

Strongly emphasized that the first priority should be Ballardvale Train Station and not a second train station.

The downtown and how different interchange scenarios might affect it. It is not hard to come up with the conclusion that there will be potentially some drawdown of retail sales/specialty retails in Andover's downtown if a regional mall is proposed.

Their summary recommendation also involves an assessment that in choosing the wrong interchange could risk eroding the promised benefits to be achieved by new highway access, particularly if all west side development has access to Ballardvale roadways, include development in the future additional residential reclassification which could funnel trip generation not anticipated in the build out.

Quoting Mr. Huntress, Ms. Szold said "the Task Force finds important that the Town secures and interchange on I-93 and the Lowell junction area. However it is important that they need to choose the right interchange. The wrong interchange design could fill an unintended slowdown of retail commercial growth in neighborhood communities and Andover's local roads may become the only outlet with the traffic associated with that expanded growth."

In conclusion, Ms. Szold said there is a lot of information they tried to gather in a short time. Each of these interchanges particularly the ones they presented have different ramifications, land use and quality of life issues, advantages and disadvantages, but in their report they have given the Board of Selectmen a sense of what their concerns should be going forward and in some cases their enthusiasm for what they feel is the more preferred interchange alternative at this stage which is Alternative 4. Ms. Szold said she would be happy to answer questions at this time.

In answer to Chairman Vispoli, Ms. Szold said the Merrimack Valley Planning Commission is anxious to close the commentary on the draft of the Interchange Justification Report (IJR). They have extended the deadline to June 1 and they are in a position where they need to forward the Board's recommendation to them very quickly. It will be their hope that if the Board of Selectmen endorses the Task Force's report, it can become an appendix to the draft of the report. After the IJR is published by the MVPC they have to hold hearings, meetings; and subsequently after that different interchange options can be potentially available for funding and would require any environmental impact report.

4. New Business (Cont.)

A. Discussion on Lowell Junction/I-93 Interchange (Cont.)

Tony Komornick, Transportation Manager of the MPVC, added said they hoped to have the draft report wrapped up by Thursday. They will be making a

May 22, 2006

presentation at the Public Safety Center on Thursday evening to discuss the results of the draft study including some of the information Ms. Szold alluded to as well as some additional information regarding reclassifying around Dascomb Road and Rt. 125. After they hold that public meeting, Mr. Komornick said they will have the document available on their web site for 10 days or two weeks so the public can weigh in on the actual document itself before they submit it to the Secretary of Transportation. From there the secretary would submit it to the Federal Highway Administration (FHA). Mr. Komornick said it is entirely possible that they may get an interchange out of this process that doesn't look like any of the 9 they looked at. However, he said the MVPC and Study Advisory Committee have developed for this analysis and recommended 3 alternatives be looked at in greater detail should the IJR be approved by the FHA and those are the three alternatives that were described here. Mr. Komornick said that Gaylord Burke from the MVPC couldn't be here tonight but he wanted to emphasize the fact that they are at the very beginning of this process. These interchange alternatives will be looked on at much more detail should the IJR be approved by the FHA. He said they need to speak with a single voice as much as possible when making these recommendations both to Massachusetts Highway Department (MHD) and FHA so they maximize the chance of getting approval.

Linn Anderson asked at what future levels will there be other opportunities for input and how will they learn about it. Mr. Komornick answered that if FHA approves this, MHD will develop a scope of services for an environmental impact report that will look at these issues in much greater detail. Hopefully, he said it will be based on the three alternatives they recommend. As part of that process there will be a public involvement process involving hearings.

Jack McDonald, who worked for Mass Highway for 20 years, said that once the planning organization weighs it and puts it on their agenda, it will take full responsibility at that point and it may take a life of its own with respect to what happens. To say they have a lot of choice over what happens in his view it takes on a life of its own and is driven by the political process and by environmental process from there on. It would come out to be the interchange in the end that will have the least environmental impact and least costly at that point.

Mr. Salafia said from what he has heard, they are very much in the infancy and informational stage of this process. His goal tonight is to have all of the possible designs move forward for consideration. He said a lot of what they heard tonight is making broad assumptions and that until they have a reliable design and environmental study attached to it, will they know what the build out possibilities are and if there are any further environmental impacts and the traffic implications. Ms. Szold disagreed with the Planning Board Chairman and felt if they look at the scope of services what the MVPC contracted with VHB it talks about a preferred alternative in singular term and talks about evaluating it even in relation to the Commonwealth's development principles. The reason they had reservations with Alternative 9 is that all of the new trip generation associated with development on the west side will either have access to I-93 or have access into the Ballardvale area. Any additional development that is reclassified, Andover needs to weigh in now and say this is a concern.

4. New Business (Cont.)

A. Discussion on Lowell Junction/I-93 Interchange (Cont.)

Mr. McDonald said that part of the issue from the Planning Board's perspective is that they have difficulties dealing with special permits down in

May 22, 2006

the Lowell Junction Road area in that any permit issued has been appealed by the people in the Ballardvale area. Development for Andover is stifled in this area. There is a lot of acreage that could be developed in the Town of Andover so he felt they will have commensurate impacts with respect to the land Andover develops on the easterly side and have to recognize they are going to have impact if you want some sort of development in this area.

Ms. Anderson said she felt it was important to attach the work of the Task Force as an addendum along with their recommendations to the IJR. In answer to Ms. Goldberg if other Towns have similar Task Forces that are representing their towns, Mr. Salafia said the Town of Tewksbury does have a Task Force in place and they are well aware what is going on and made recommendation to support Alternatives 7 and 9. He said the most important thing the Selectmen and Planning Board can do is send the message to the MVPC that an interchange is desperately needed here. The Task Force has identified the community needs and in addressing this has gone way beyond and really went into detail into the scope of which they are looking at right now which is the justification for an interchange.

Paul Materazzo said he has provided a memo to the Selectmen tonight in which he mirrored some of the same community needs addressed by the Task Force. He encouraged the Selectmen and Planning Board to let the ball get kicked off and let further engineering be done on the interchange. He said the Planning Boards and Departments of the past have always taken the downtown area and protected it vigorously. They have always been very cognizant about traffic in neighborhoods and preserving life in Andover. That tradition will continue on this present Board and continue in the future and that any land that is freed up for development will be under enormous scrutiny to make sure that the preservation of life, traffic and the quality of life, will be preserved for the citizens of Andover.

Ms. Szold commented on what she heard from Jack McDonald that there is a lot of development potential in Tewksbury and Wilmington that they don't have control over. She agreed with him about protecting downtown but didn't see any problem in her opinion of attaching their report at least so they can voice their concern. Mr. Salafia said he had no problem voting to attach the report although they have not had a chance to study it in depth. He felt the report is made with a lot of assumption rather without hard data.

Selena Goldberg said they need to be good neighbors and should look at the good neighbor position with Andover, Tewksbury, and Wilmington. She said that Tewksbury and Wilmington are already impacted by the industry they have in Andover and there is going to be a shared impact with them. They need to remember the good neighbor position and hopefully Tewksbury and Wilmington will do the same and they will look at what point would the greater good for the area.

John McDonald asked the Planning Board about the recommendations to do a master plan. Mr. Salafia said it does need to be updated and they could do it but have not had a chance to do it.

4. New Business (Cont.)

A. Discussion on Lowell Junction/I-93 Interchange (Cont.)

In answer to Selectmen Hess on the recommendation to attach the task force report, he asked if they will they be other things attached. Mr. Comornick said they received a number of correspondences on the process. They are considering

May 22, 2006

at this point attaching in the report two paragraphs describing the action taken by Andover and the other two communities as well. He has not spoken to anyone about attaching the entire report and attaching as an addendum but that is not ruled out. If they couldn't attach it at minimum a paragraph or two summarizing the recommendation will be included.

Selectman Teichert told the Task Force that the Selectmen appreciated all the work they have done. He noted that it was great to have three alternatives to look at and there are pros and cons of each one that they can be tweaked as they go along. Selectman Hess thanked the MVPC for allowing Andover to go through this process. He appreciated that and felt in the long run it provides a much stronger document for them and stronger justification that they did go through the process. He said he also thought there are a lot of facts they still don't have. That is part of the next process and look forward to the next discussion. He wanted to emphasize their desire to be a good neighbor and not have to wait for Federal action to have to meet with Tewksbury and Wilmington. He hoped they find a way to a comfortable environment for everyone's benefit.

It was moved by Selectman Teichert that the Board of Selectmen of the Town of Andover hereby endorses the findings and recommendations of the Town's Lowell Junction Interchange Task Force related to the 9 Interchange Alternatives contained in the Draft Interchange Justification Report being prepared by the Merrimack Valley Planning Commission. The Board further requests the Merrimack Valley Planning Commission to include the Task Force's report and this motion as a part of any Interchange Justification Report or Draft that is issued. The Board emphasizes its strong support for creation of an interchange but believes that the benefits and burdens of creating a new interchange and the development that it facilitates must be fairly distributed among the adjoining towns. Therefore, the Board of Selectmen requests that appropriate consideration be given to the Town of Andover's concerns about the selection of an interchange alternative that directs all traffic from new land development surrounding such future interchange only to existing roadways in Andover for I-93.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

(It was further stated that a copy of this motion shall be furnished to the Town's State Representatives, State Senator, Congressman, the Boards of Selectmen and Planning Boards of the Towns of Tewksbury and Wilmington, the Merrimack Valley Planning Commission, the I-93 Interchange Justification Study Advisory Committee, the Federal Highway Administration, the Massachusetts Highway Department, and the Merrimack Valley Economic Development Council.)

Chairman Vispoli thanked everyone for coming to the meeting and participating. He also extended a special thank you to the Town's excellent Planning Board and the Task Force for a job well done as well as the residents.

4. New Business (Cont.)

B. Board Discussion on FY-07 Goals and Objectives

Chairman Vispoli recognized Lt. Robert Stabile, a member of the Andover Fire and Rescue Department, who was present at the meeting. He told Lt. Stabile that his Department did an awesome job during this past weekend.

Chairman Vispoli explained that this evening they will have the first of

May 22, 2006

two sessions with the Selectmen to get some specific and maybe a smaller set of action items. They will then send them to the Department Heads so they will have a chance to look at them before they meet with them.

After a brainstorming session, the Board set the following potential goals:

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|----------------------------|---------------------------------|
| Youth Center | Town Yard |
| Auto Policy | New Revenues |
| Mid Year Review | Communications |
| NESWC (Use of funds) | I-93 Interchange |
| School Space Evaluation | Audit Committee |
| General Communications | Internal/External |
| CATV Licensing | Health Insurance |
| Pension Costs | Town Manager Evaluation |
| Ledge Road Landfill | Reichold Property |
| Diversity on Hiring | Vision 21 |
| Budget Information | Emergency Preparedness Planning |
| Use of Public Lands Policy | Main Street Project |
| Rt. 125 Signalization | Collective Bargaining |

Chairman Vispoli asked Mr. Bucuzzo to summarize the suggested goals in the following categories for the Selectmen to review again at their June 5th meeting:

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|-----------------------|----------------------------------|
| Ongoing Projects | New Projects |
| New Initiatives | Financial |
| Community Development | Future and Current Projects |
| Financial/Budget | Communications and Policy Issues |

Chairman Vispoli also asked Mr. Bucuzzo to put in their packets the liaison assignments so they can review them and assign them on June 5th.

Mary Carbone asked the Selectmen why they need twenty-two committees in this community. As elected officials, she did not think they were handling the responsibilities which they have been voted into office for. Also, she didn't know if they are getting feedback from those committees. Chairman Vispoli said he understood her statement but like in the case of the Task Force, there was no way this board during the budget process would have had two minutes to get into the details they did. Selectman Lyman said because they have the availability of a lot of talented people, she didn't think they would have had access to that information if they were not meeting and gathering information. Selectman Teichert said the Town has gotten bigger with a lot more needs. He felt that maybe this Board could do it but if there is a subcommittee or liaison that could do it they can then report back to the Selectmen with the findings.

4. New Business (Cont.)

B. Board Discussion on FY-07 Goals and Objectives (Cont.)

On Collective Bargaining, Mary Carbone was wondering if there was a possibility before the Board of Selectmen signs off on that, if it could be brought before the general public and residents of the community as it relates to what they have achieved and going forward with collective bargaining issues. She said they currently don't do that. Chairman Vispoli said they would have to talk

May 22, 2006

to Town Counsel about that.

5. Adjournment - 8:10 p.m.

It was moved by Selectman Hess that the Board close the regular meeting of the Board at 8:10 p.m. The motion was seconded by Selectman Lyman voted and approved 4-0.

Elizabeth A. Kochakian
Recording Secretary